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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/638,154	08/08/2003	Lydia Drews-Nicolai	903-007 (TG169 US)	6063
24295	7590	05/12/2005	EXAMINER	
Rodney T. Hodgson, Ph.D. 822 Pines Bridge Rd. Ossining, NY 10562			MANLOVE, SHALIE A	
			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Na

Response to Rule 312 Communication	Application No.	Applicant(s)	
	10/638,154	DREWS-NICOLAI ET AL.	
	Examiner	Art Unit	
	Shalie A. Manlove	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The amendment filed on 08 April 2005 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

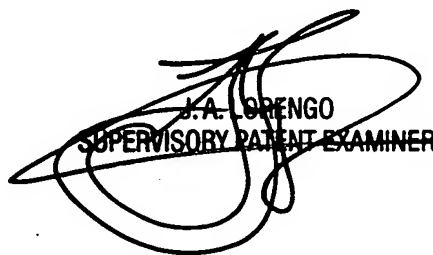
c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

The amendment has been disapproved because, the Specification clearly teaches on page 3, line 17 and page 4, line 13 the addition of a magnesium compound to the titanium dioxide base material. Additionally, claims 25-28 recite adding a magnesium compound to titanium dioxide. There is no support for "wherein no significant amount of magnesium compound is or has been added to the aqueous suspension of titanium dioxide base material", therefore claim 1 presents new matter. An obvious double patenting rejection would have been made on the present application, however, since the obvious double patenting rejection would be the only rejection remaining on 10/638154 and since it was earlier filed than 10/889,287, the Office has withdrawn the rejection and will permit the earlier-filed application to issue as a patent without a terminal disclaimer.


J.A. LORENZO
SUPERVISORY PATENT EXAMINER